Case Number

88-1961

Supreme Court, U.S.
FILED
APR 13 1989
JOSEPH F. SPANIOL, JR.
CLERK

IN THE

United States SUPREME Court

SPRING TERM 1989

PETITION FOR WRIT OF CERTIORARI

JOHN G. BARROW JR.
Plaintiff - Appellant - Petitioner
vs.
A. T. & T.
Defendant - Appellee - Respondant

ON WRIT OF CERTIORARI FROM THE U.S. COURT OF APPEALS, ELEVENTH CIRCUIT ATLANTA, GEORGIA

John G. Barrow Jr.
A Layman without legal education
Rt. 1 Box 470
Callahan, Florida 32011
(904) 845-2475

PREFACE

Irrespective of any facts, or issues or Magistrate's fraudulent allegations the paramount questions that Years and Burns for an answer are:

1. On what date was there a Meaningful Notice of Hearing on any one of the issues ?

2) On what date was the jury selected and what is their names ?

3. With all persons being entitled to "A Day In Court" why is it that in twenty (20) actions filed this Petitioner has not had one day in Court, or any adjudication of any one issue in any one of twenty cases.

HUMAN RIGHTS

Why should the Russins Embassy not be shown the most technical aspect of the Constitutional rights afforded John G Barrow?

Should anyone have even to a Twinge of mis-understanding,that person should Neal Down and Pray to God Almighty for Wisdom to understand how;

ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE DOLLARS, OF CRUEL AND UNJUST SANCTIONS,AS A CURSE BEING INFLICTED UPON THIS PETITIONER, as a reward for a Good Faith effort to obtain " Redress of Grievances" can be the American Way ?

WOULD YOU LIKE TO KNOW
WHO THE JUDGMENTS ARE FOR ?

JUDGE JAMES HARRISON
JUDGE HENRY F MARTIN
JUDGE KENNETY E COOKSEY
JUDGE GOLDBERG
JUDGE LAWRENCE PAGE HADDOCK
JUDGE VERNON DOUGLAS
JUDGE LYNN C HIGBY
JUDGE WILLIAM STAFFORD
(JUDGE HANDLING) WAHL
JUDGE BEN C WILLIS
AND OTHERS

CHAPTER (a) QUESTIONS PRESENTED TO BE REVIEWED

1) The very first question of Greatest interest to not only all of the interested Persons, but of the whole wide word is; Whether or not: This Supreme Court of these United States will take supervisory Control thereby providing for a Meet and Proper relief to this Petitioner or will this Court deny this "Petition for Writ of Certiorari" thereby affirming, approving and sanctioning the Wheel Within A Wheel's corruption in the United States District Court and the 11th Circuit Court of Appeals?

2) Will the twenty (20) VOID DECISIONS not only be (20) AFFIRMED VOID DECISIONS, but also twenty (20) AFFIRMED VOID DECISIONS SANCTIONED BY THE SUPREME COURT of these United States of America ?

3) Will this United States Supreme Court

a-2.)

determine the contents of the Judge's Response referred to in (Judge Handling) Wahl's Affidavit dated April 29th? See; Appendix Chapter W Page (w-17).

4) Will this United States Court Mandate the details of each of the Following:

a) Handling of the Magistrate? Chapter W of Appendix w-5.),w-9.), w-16.)

b) Handling of the Clerk of the Federal Court? Chapter W of Appendix most every page.

c) Just exactly what was the " Advise from Court of Appeals as to Barrow's Appeal" and just how was this matter HANDLED with the Magistrate's office ? Chapter W-23) of the Appendix

d) Just how was the Eleventh Circuit Handled February 3, 1986 for One Hour and more ? See Chapter w-21) of the Appendix.

5) Whether the Court of First Instance and the (Judge Handling) Wahl's co-horts, Federal Judge Tjoflat and Federal Judge Hatchett intent was to administer Procedural Due

Process of law appropriate to the occasion or if the Magistrate's Gospel ;

Defendants " Counsel obtained results sought; dismissal of the case prior to trial, and relief from the embarrassment to Counsel of the Defendants in collusion with the Central Figures in the Federal Court, was in fact the True Intentions of this filthy conspiracy ?

6) Why, is this not a Classic R.I.C.O Gangland Scheme ?

7) Who were the Parties involved in the " Handling with co-counsel and Wahl " dated Jaunary 29, 1985 ? See Chapter (W) Page w-26) and Page w-27 Telephone Conference with Wahl in what Collusion ?

8) Another aspect of Judge Handling) Wahl's Affidavit of disclosure of the co-counsel is on Page w-15 " including May 9, 1985 Notice of Appeal to 11th Circuit and letter (to who) 1.2 hrs, letter to Clerk and Handling (what dollar amount) and allocation

of time for hearing and report 2.0 hrs ?

QUESTION: Who was at said hearing (behind the black curtain) and what was the deal ? This Petitioner has had no Notice of any Hearing on any of the issues.

Check the Docket sheet !

9) On Page w-24 Mr (Judge Hnadling) Wahl Boasts about Handling with the Clerk of Court of Appeals.

10) On Page w-3 of the Appendix Wahl Boasts about " Judge Melton Howell handling and letter.

QUESTION: What was the dollar amount ?

11) "Telephone conference with Wahl" time after time Chapter w-27 .

"Telephone conference with co-defendants" Counsel and letter to Wahl w-28.

Was this conspiracy ?

These are the Questions needing Judicial attention at this point and time.

QUESTIONS PRESENTED FOR REVIEW

1.) There has been no Notice of Hearing of any issue in this action. How can this be a Fair Trial, or a Just Trial ? See U. S.C.A. Const. Amend. 5 and Amend 7.

2.) There has been No Jury because of No Hearing. How can Article 1 Section 25 provide for Redress of Injury with the District Court controlled by (Judge Handling) Wahl and the 11th Circuit Court of Appeals controlled by (Judge Handling) Wahl through his Jacksonville Bar Law Partners Tjoflat and Hatchett ?

3.) Why does " The Denial of Right of Jury Trial not amount to Abuse of Power and a VOID DECISION ? SEE: U.S.C.A. Const Amend7

4.) In as much as Hodges has had no hearing on the issues, why does the District Court's neglect to enforce Federal Rules of Civil Procedure Rule 7 (a) and Rule 8 and Rule 55 (default) not amount to abuse of discretion

5.) In Morrissey v Brewer 92 S.Ct.@ 2605

a-2.)

The Supreme Court Holds:

" The decisionmaker's conclusions must be in written form indicating the evidence and the reasons relied upon "

Where in the Record has Hodges indicated the evidence and the reasons for " his hearing on the issues" in Open Forum before the jury, not yet provided ?

6) Federal Rules of CRIMINAL PROCEDURE Rule 42(a) and Rule 42(b) require a Trial For Criminal Contempt, as a prerequisite to Sanctions, on what date did Hodges have this trial for criminal contempt ?

7) Does the infliction of a Total of ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE and 38 100th Dollars, $132,383.38, only because of Petitioner's Good Faith effort to seek Redress of Grievances, appear to this Supreme Court to be Justice, or insanity and Meanness ?

8) Will this Court grant relief from Judge Hodges in-humane " Bill of Attainder" ? Will this Court take Supervisory control to provide for a Jury Trial ?

b) * * CERTIFICATE OF INTERESTED PERSONS

Emory King
Geofrey Dobson
James Harrison
Richard Weinberg
Edward Kelly
Richard King
Stephen Durant
Hancock/Oglethrope
Hudiberg
Charles Pickett
Gene Blackweilder
John Claxton
Joanne Kirkland
Wade Sparkmen
David Page Jr
John Miller
Joseph Balkcom
Ben C Higby
William Stafford
Morris Communications
Michael Conway
David Evans
Paul Levy
Gary Williams
Jann Ferrell
George Krahdelt
Bruce Barkett
John Lawlow III
Jim McLauhlin
Rauson Haverty
St Johns County
William Townsend
A.G. Nichols III
Lois Partin
Francis O'Loughlin
Barbara Sieberts
Jason Vail

b) * * CERTIFICATE OF INTERESTED PERSONS

Hazle Jones
Douglas Jones
David Conn
Michael Woodleif
Leo Foster
T.B. Bird
Chester Hamilton Estate
Kenneth Cooksey
Eleanor B Hawkins
Mammie V Capps
L. Page Haddock
Henry F Martin
Irene Scott
Willie Fortenberry
WM. R. MCCants
Thomas D MacNamara
Charles Pellicer
Winifred Hill
Greogary A Presnell
Robert Merkle
Dorothea Beene
Marka Lancaster
Hillary Burdent
Donald Cinnomond
Marshall Wood
Linda Hurst
Dennis Hollingsworth
Michael Millhorne
Haverty Furniture Co.
Ronald Palmer
Frank Upchurch
Florida Power & Light Co.
American Telephone & Tellgraph
James Sisco
Jack Shaw
Harris Brown
Joseph Lewis
Gayle Swedmakk
Jack Gibney

b) * * CERTIFICATE OF INTERESTED PERSONS

John Moore
W.T. Hodges
Harvey Schlesinger
Susan Black
Magistrate Snider
Charles Hood
Ed Brooks
Bullock & Childs
Michael Mullin
Marlin Feagle
Harold Wahl
Carl Markel
Jim Bishop
D.A.C. Corp
William Rose
Gary Allen
F.H.S.
James Peters
Jim Smith
Robert Butterworth
Dolvin Foreman
Clay Coward
Jann Johnson
Robert Smith
Marie Smith
Martin, Ade,Birthfield & Johnson
Akerman, Senterfitt & Edson
Henry C Adams
Scott Conley
Lawrence C Rolfe
Ronald MacComber

James Higginbotham
James Testone

Tom Brannan
Jim Higginbotham

b) * * CERTIFICATE OF INTERESTED PERSONS

Harold Wayne (On State payroll)
Internal Revenue Service
Vernon Douglas (On State Payroll)
Eugene Christain
Eddie Anderson
William Hailey
Mike Noone
St Petersburg Times
Scott Livingston
Southern Bell- Michael Millhorne
T.J. Grreson (on State payroll)
James Page (On State payroll)
Tampa Tribune
News Leader
Orlando Sential
Roosevelt Baker
Nassau County Record
Laura Cook
Ernie Mastronni
Jack Reed
Gammett Channel 12 WTLV
H. Ray Walker (On State payroll)
Florida Times Union
John T Wilkins
Bob Zankle
Douglas Pate.

This Orator would love to remove most of the name from the above list however this would leave the Certificate of interested parties incomplete and short of being truthful with this Honorable Supreme Court.

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PROOF OF INJUSTICE

This court is invited to examine the Docket Sheet, You will find proof that;

1) This Action has not come before the court for trial by jury.

2) The issues have not been tried.

3) And the jury has not rendered any verdict. *(look for the date of the verdict, it can't be found)*

4) As there has been no jury. SEE U.S.C.A. Amend. 7 "Unconstitutional abuse"

a) It matters not how many times, The Judge Hodges Mob dismisses a case, "without due process of law", it is VOID because of U.S.C.A. Amend. 5.

b) It matters not how many times (Judge Handling) Wahl's Buddy Buddy Tjoflat and Hatchett, (all Brothers in the Jacksonville Bar) affirms Hodges VOID decisions, the decision in this action is still an AFFIRMED VOID DECISION because of U.S.C.A. Amend 5 "reached without Due Process, is VOID."

SEE Morrissey v Brewer 92 S, Ct. @ 2605.
"Evidence and Reason, in Written Form"

There has been no responsive pleeding!

Findings and conclusions of an Administrative Judge is hard to enumerate on paper when the Judge who has had no one before him is without jurisdiction of the subject matter and therefore he has no jurisdiction of the persons. Sears Reobuck Styled Actions cannot be said to be American Judisprudence.

A TEST OF JUDICIAL CONSCIENCE

Finding of the court. The three Central figures have concluded that they will devide the spoils under Florida Statute 877.01)4) under Wahl's name alone or that of an alias his client.

Harrison Mastronni	$5,384.83
Haddock & Martins name	$3,332.00
Defendant Wahl 88-3400	$4,814.00
Poor Little A.T.& T. Wahl	$6,250.00
Wahl (Associated Press	$2,970.00
Wahl (St Augustine Record	$3,237.71
Wahl (Midnight Globe)	$3,482.49
Wahl(Fla Pubishing)	$4,212.00
Wahl (N.Y. Times)	$5.070.73

Can any reasonable thinking and reading community concieve of the very idea of Harold B Wahl receiving $48,752.76 with the other two central figures

receiving only their government salary ? Why not ? Florida Statute 877.01 (4) makes splitting of the fees legal with the other two central figures who cares about legal ? They contend that Judges are immune from the law.

$48,752.76 is a LOT OF FLESH ! at least it would be if you were in this Appellant's Moccassins for a day.

What is your Esteem ?

Intent of District Court SEE: Chapter (e) -12-(8)

d) * * A REFERENCE TO THE OFFICIAL

AND UNOFFICIAL REPORT OF ANY
OPINION DELIVERED IN THE COURT

1) There has been no court.

2) As a matter of fact, there has been no Notice of Hearing on any of the issues.

3) There has been no Judge except for the "Mail Order" Sears Roebuck style of Hodges 250 miles away.

4) No Confrontation of any witnesses.

5) No evidence adduced.

6) No responsive pleadings.

Only fraudulent averments of the adversary, the court itself, all couched upon Schlesinger's Defendants:

" Counsel obtained the results sought; dismissal of the case prior to trial, and relief from the immediate harassment of the suit"

In as much as the U.S. Federal Court with their co-conspirators seeking dismissal without due process, what would you expect the findings of the court to be ?

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SEE Morrissey v Brewer 92 S, Ct. @ 2605.
"Evidence and Reason, in Written Form"

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e) * * STATEMENT OF JURISDICTION

The subject matter set forth in the complaint and the Amended Complaint does arise under the Constitution of these United State and is within 28 S 1343 U.S.C.A. S 1343 Article III Sec. 2 of the Federal Constitution provides that:

" The judicilal power shall extend to all cases in law and equity arising under the Constitution of the United States and Treaties and or shall be made under their authority"

It is clear that the Cause of Action is one which "arises under" the Federal Constitution. Since the Complaint plainly sets forth a Case arising under the Constitution the subject matter is within the Federal judicial power defined in Article III Sec. 2, and so within the power of Congress to assign to the jurisdiction of the District Court.Congress has exercised that power. 28 U.S.C. S 1343 (3) 28 U.S.C.A. S 1343(3)

" The District Court shall have original jurisdiction of any civil action authorized by law".

Against State infringement by the equal protection and due process clauses of the fourteenth Amendment.

Douglas v Jeanette, 319 US 157 63 S.Ct. 8 L Ed 1324
Srefane v Minard, 342 US 117 S.Ct.118 96 L Ed 138 ef.
Nixon v Herndon 273 US 516 74 S.Ct.446 71 L Ed 59
Nixon v Gordon 286 US 73 S.Ct.484 76 L Ed 759
Snowden v Hughes 321 US 649 64 S.Ct.757 86 L Ed 987
Smith v AllWright 321 US 649 84 S.Ct.757 65 L ed 987.
Monroe v Pape 356 US 167 81 S.Ct.473,5 L Ed 2d 492
Egan v Anrora 356 US 514 81 S.Ct.648 5 L Ed 714
42 U.S.C.A. S 1983 42 U.S.C.S 1983

Provides:

" Every person under any color of any statue ordinance, regulation,custom or usage of any State or Territory or causes to be sub-jected any citizen of the United States or other person within the jurisdiction thereof; to the deprivation of any rights, privileges or immunities secured by the Constitution and laws shall be liable to the party injured in an action at law, suit in equity or other proper proceedings for redress"

The issuance by the Court of any extraordinary writ authorized by 28 U.S.C. S 1651 (a). Federal Jurisdiction is asserted under R.S. S 1979 and 28 U.S.C. S 1343 and 28 U.S.C S 1331, 28 U.S.C.A. S 1331.

The decision of the court of first instance as well as the Decision of the 11th Circuit Court of Appeals are in conflict with the decisions of other Federal Courts of Appeals on the same matter. There has been no Federal Rules of Civil Procedure Rule 7(a) answer to each averment. There has been no opportunity to be heard.

There has been no confrontation of witnesses

There has been no responsive pleadings.

All Federal Questions have been ignored.

1) The unlawful taking of property without full and just compensation.

2) The denial of due process of law, repugnant to our constitution.

3) The denial of protection of the law,

equal to that afforded others and especially the 11th Circuit has sanctioned.

e-4.)

(a) The void decision of the lower court

b) The infliction of cruel and unjust punishment to the tune of ONE HUNDRED THIRTY TWO THOUSAND,THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS up to date.

With Hodges,Wahl and Tjoflat begging for more,Bribes.

c) And now, the 11th Circuit beggs for more sanctions on behalf of Bribe-begging Vail. This is such a departure by the 11th circuit Court of Appeals from other Courts, as to call for the exercise of this United States Supreme Courts power of supervision.

The intiial question of Federal Law that should be settled by this Supreme Court is:

1) The corruption and conspiracy in the Wahl Hodges court such as;

Defendants; " Counsel obtained results sought dismissal of the case prior to trial, and relief from harassment of the suit"

2) ONE HUNDRED THIRTY TWO, THOUSAND,THREE HUNDRED EIGHTY THREE AND38/100th DOLLARS

already inflicted and still the 11th Circuit demands more Cruel and unjust Punishment.

i) * * There has been no Notice of any Hearing, or any of the dozens of issues.

* * No consideration of any material facts.

* * Primarily the only proceedings has been, the Defendants Motion to Dismiss and the erroneous allegations of the Magistrate always on behalf and in favor of the Defendants.

(ii) * * The date of the entry of judgment was the 12th day of May 1988.

This case was appealed for the third time. The 12th of May 1988 in the 11th Circuit Court of Appeals.

f) * * CONSTITUTIONAL PROVISIONS

ARTICLE 1, SECTION 25 provides:

" The courts shall be open to every person for redress of any injury, and justice shall be administered without sale" Denial or delay"

Our Constitution does not provide for "redress" of any injury. to be a scheme of entrapment to inflict upon poor pro se persons ONE HUNDRED THIRTY TWO THOUSAND THREE HUNDRED EIGHTY THREE and 38/100th DOLLARS, ($132,383.38) as punishment for having put fourth a Good-Faith effort to Petition the Federal Courts for redress of grievances.

NO HEARING HAD ON ANY ISSUE

In Sniadach v Family Finance Corp 195 U.S. 337 89 S.Ct.1820, 23 L Ed 2d 394
In Funtes v Shevin, 407 U.S. 92 S.Ct.1983 32 L Ed 2d 556 1972

The Courts Hold:

" The opportunity to be heard must precede any actual deprivation of private property"

f-2.)

In Arstrong v Manzo 380 U.S. 545 552 85 S.Ct.1187 1191 14 L Ed 2d 62 1963)

The Court Holds"

" Our past cases mandate that some kind of hearing is required at some time before a State finally deprives a person of his property interests. The fundamental requirement of due process is the opportunity to be heard and it is an 'opportunity which must be granted at a meaningful time in a meaningful manner"

In Parrott v Taylor 101 S.Ct,1908

The Court Holds:

CONSTITUTIONAL LAW KEY 251 .6

Fundamental requirement of due process is OPPORTUNITY TO BE HEARD and is an opportunity which must be granted at meaningful time in in meaningful manner"

In This action the Docket will reveal that

there has been no Due Process of Law no Hear

ing on the issues whatsoever !

" A Federal Court Judgment whether in a civil or a criminal case that is reached without due process of law is VOID U.S.C. A. Const. Amend 5

United States v Ritter 10 Cir 273 F 2d 30 32 cert den 362 US 950 S.Ct.863 4 L Ed 2d 869

Occidential Petroleum Corp v Chandler 10 Cir 303 F 2d 55 cert den 372 US 83 S.Ct.1288 718 9 L Ed 2d 722 reh den 373 US 81 S Ct 1288 10 L Ed 2d 201.

These Courts hold:

" The jurisdiction of this court to take action to guarantee a fair and impartial trial is no longer open to question, upon an adequate showing this court has held that it has the power and inescapable duty whether under the all writs statute 28 U.S.C.S 1651 or under its inherient powers of appellate jurisdiction to effectuate what seems to us to be manifest ends of justice"

g) * * STATEMENT OF THE CASE

The above styled Action would be more accurately styled The United States Court System VS John Barrow Jr the Court's Victim.

REASONS FOLLOW

1) This Case was filed pursuant to Federal Rules of Civil Procedure Rule 7 (a) in the form of a Complaint.

2) The Same Federal Rules ofCivil Procedure Rule 7(a) mandates;

> " There shall be a complaint AND AN ANSWER"

3) For personal reasons in the outcome The United States District or the United States 11th Circuit Court of Appeals is not the slightest bit interested in the upholding of the Constitution or the enforcement of the Federal Rules, as the 11th Circuit has affirmed the Void decisions of the District Court over and over and over!

4) Federal Rules of Civil Procedure Rule 8(b) " A party shall state in short and plain terms his defense. TO EACH CLAIM ASSERTED and SHALL ADMIT OR DENY the averments upon which the adverse party relies"

5) In this case and controversy the adverse party is the United States Court System. The Court Wm T Hodges, the prosecutor (Judge handling) Wahl, Harvey E Schlesinger does file 99% of all adversary pleadings. Almost no resistenceby the various defend ants, Counsel is necessary. (Judge Handling) Wahl has organized a scheme by which Harvey E Schlesinger provides a Total Defense for all defendants in all of these cases illegally consolidated by the Court. SEE: Edwards v E.I. DuPonte De Mumers 183 F 2d 156 (5th

6) Again, Federal Rules of Civil Procedure

> Rule 8(d) EFFECT OF FAILURE TO DENY averments in a pleading to which a responsive pleading is required. Other than those as to amount of damage, are admitted when not denied in the responsive pleading

7) The defendants counsel has never offered a responsive pleading. Please check the docket sheet.

8) The Honorable Harvey E Schlesinger has made the law of the Land obsolete and a responsive pleading unnecessary.

9) On behalf of the court and all their co-conspirators Harvey wishes the World to know the intent of the Federal Court and their co-conspirators. See page 8. Paragraph 8, of Harvey's Report and Recommendation;

" Counsel (defendants) obtained the results sought; (by the conspiracy); dismissal of the case prior to trial, (repugnant to the due process clause) and relief from the immediate harassment of the suit"

And Justice be Damned !

55.3 Default Judgment by the Court;

" If a party has not put in an appearance THE COURT MUST ENTER JUDGMENT by default, in order to constitute an appearance, however, defendant's actions must be responsive to plaintiff's formal court action. Baez v Kresge 96 S.Ct.1495 47 L Ed ed 745.

By using as a Guideline Morrissey v Brewer 92 S.Ct,@ 2605 The Supreme Court holds:

" Moreover in each case the decisionmaker must be impartial, there must be some record of the proceedings and the decision-

maker's conclusions must be set forth in written form indicating both the evidence and the reasons relied upon because of the Due Process Clause requires these proceedings"

The decision maker, Schlesinger, though by no stretch of the imagination is he, in any way impartial, he does ever so clearly put into written form on the record his only evidence and his only reason relied upon, to make all of his notorious gangland styled decisions.

THE SOLE INTENT OF THE COURT being not to uphold the Constitution but as H.E. Schlesinger does BOAST; in every report and recommendation.

(Defendants:)" Counsel obtained results Sought; dismissal of the Case prior to trial, and relief from the immediate harassment of the suit"

In virtually every case and every recommendation he, Schlesinger, repeats same. Check the Record. Schlesinger has no intention of being impartial. Schlesenger does not even pretend to be impartial, he strives to let the World know that he is biased.

h) * * REVIEW OF THE JUDGMENT

The judgment in this Action is not the results of any Hearing on any Issue of any Complaint.

There has been from the very Genisis of this Action, but one dogmatic intent which has been NOT only admitted by the Central Figures in this Federal Court Conspiracy, But Highly BOASTED by H.E. Schlesinger,

SEE Schlesinger's Report and Recommendation Page 8, Paragraph 8, The Court and Defendant's " Counsel obtained results sought; dismissal of the case prior to trial," (without any due process whatsoever) .

A disgrace to the Human Race. The excuse is that the Complaint is frivolous.

All Complaints would be such, as could not be proven, if they were handled in such a way as to deny any hearing on any Issue, as is the case at hand.

The Court of First Instance has ignored the Federal Questions involved and though it

is hard to believe the 11th Circuit has affirmed these VOID DECISIONS - Void because of no Due Process of Law. SEE: U.S.C.A. Const. Amedn 5 and see also U.S.C.A. Const. Amend 7.

The Federal Questions contained in the Complaint were timely raised and properly raised, however, all questions Federal and otherwise, have been ignored by District Court and the Court of Appeals.

All that is of interest to these Courts is to promulgate sanctions without any hearing on the appropriateness of Sanctions FOR THE PURPOSE OF COERCION.

Except for the matter of sanctions, there has been no adjudication of any issue or material Fact. Wherefore, the judgment in this Action are only for Extortion by force of the court to provide FOR Spoils to be split pursuant to F.S. 877.01(4). Unless it pretains to Sanctions totaling as of this date.

ONE HUNDRED THIRTY TWO THOUSAND, THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS there is no Judgment to be reviewed. As there has been NO HEARING ON THE ISSUES HAD. No Confrontation of witnesses, No evidence adduced, no excuse of any adjudication.

In Padovant v Brachenusen 293 F 2d 546;

The United States Appeals Court points out;

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome"

Under the federal rules a Plaintiff pleads facts, not law, and the law is to bw supplied by the court" Fed. Rules of Civil Procedure Rule 54 (c) 28 U.S.C.A.

i) * * BASIS FOR FEDERAL JURISDICTION
IN THE COURT OF FIRST INSTANCE

The subject matter set forth in the Complaint and the Amended Complaint does arise under the Constitution of the United States and is within 28 S 1343 U.S.C.A. S 1343.

Article III S 2 of the Federal Constitution provides that:

" The judicial power shall extend to all cases in law and equity, arising under this Constitution , the Laws of the United States and Treaties made or which shall be made under their authority"

It is clear that the Cause of Action is one which "arises under" the federal Constitution.

Since the Complaint plainly sets forth a case arising under the Constitution the subject matter is within the federal judicial power defined in Art III S 2 and so within the Power of Congress. to assign to the jurisdiction of the District Court, Congress has exercised that power in 28 U.S.C. S 1343

(3) 28 U.S.C.A. S 1343 (3)

The District court shall have original jurisdiction of any civil action authorized by law"

The court has frequently sustained District Court jurisdiction under 28 U.S.C. S 1343 (3) 28 U.S.C.A. S 1343 (3) against State infringement by the Equal Protection and Due Process Clauses of the Fourteenth Amendment.

Douglas v Jeanette 319 US 157 63 S.Ct.877 87 L ed 1324
Srefane v Minard 142 US 117, 72 S.Ct.118 96 L Ed 138 ef
Nixon v Herdon 273 US 356 47 S.Ct.466 71 L Ed 759
Nixon v Gordon 286 US 73 52 S.Ct.484 76 L ed 984
Snowden v Hughes 321 IUS 64 S.Ct.397 88 L Ed 497
Smith v Allwright 231 US 649 64 S.Ct.757 88 L Ed 987
Monroe v Pape 356 US 167 81 S.Ct.5 L Ed 2d 492
Eagn v Anrora 356 US 514 81 S.Ct.684 5 L Ed 2d 714
42 U.S.C. S 1983 42 U.S.C.A. S 1983 Provides:

" Every person under color of any Statute, ordinnce, regulation custom or usage of any state, territory subjects or causes to be subjected any citizen of the United

States or other person within the Jurisdiction thereof to the deprivation of any rights, privileges or immunities accured by the Constitution and laws shall be liable to the party injured in an action at law suit in equity or other proper proceeding for redress"

STATUTORY GROUNDS FOR JURISDICTION ARE

28 U.S.C. s 1331- Federal Question
28 U.S.C.A. S 1331- Civil Rights
U.S.C. S 1343 Limit Jusisdictional No.
28 U.S.C.A. S 1343 -R.S. 1979
18 U.S.C. S 242 Color of Law
28 U.S.C. S 1346 (a) (12) Just Compensation
18 U.S.C.A. S 242 Color of Law
Wrongful Acts of State Official
U.S.C.A. 1985 (3) U.S.C. Const 13s 2
Discrimination Art IV S 2 U.S. Const.
28 U.S.C. S 41
28 U.S.C.A. S 41 (1)
Lack of Eniment Domain proceedings 28 USC S 1403
28 U.S.C. S 2281 Three Judge Dist. Court
28 U.S.C. S 1337 Original Jurisdiction.
S 20 Substantive office.Under color of law
42 U.S.C. S 1983 Damage & recovery
28 U.S.C. S 1442 (a) (1)
28 U.S.C. S 1442 (a) (3)
P.L. 87-748- 76 Sta (962 28 U.S.C. S 1361
This plaintiff hereby invokes the Constitution of the United States;
Especially;
Amendment V and XIV Due Process of law
Amendment V an XIV
Amnedment V and XIV Denial of property rights
Amendment VII Denial of property rights
Amendment I Redress of Grievances
Amendment VI Right to confrontation

Article 1 Sec 10 ex post facto laws

Article VI Authority of US Supreme Law clause 2.
42 U.S.C. pre-trial publicity fair trial impossible USCA Const A 6 6494
28 U.S.C. S 1346 (a) (12) Taking of property without just compensation

FEDERAL QUESTIONS : Involved in this action are obvious.

The impairing of obligation of contract Taking of property and holding property in an illegal manner without full and just compensation repugnant to the constitution of these United States in definance of the taking clause of the fifth Amendment as incorporated against the States by Fourteenth Amendment (479 U.S. -- 1986 Jurisdiction.

The flagrant denial of equal protection of the law. as guaranteed by our constitution of these United States.

SEE Federal Rules of Civil Procedure Rule 7 (a) and Rule 8(b) and Rule *8(d) Rule 55 and others.

A complete deprivation of fundamentals of procedural due process of law, appropriate to the circumstances.

In United States v Ritter 10 Cir 273 F 2d 30 32 cert den 362 US 950 S.Ct.863 4 L Ed 2d 869
Occidential Petroleum Corp v Chandler 10 Cir 303 F 2d 55 cert den 372 US 83 S Ct 718 9 L Ed 2d 722 reh den 373 US 915 81 S.Ct. 1288 10 L Ed 2d 201

These Courts hold:

" The jurisdiction of this court to take action to guarantee a fair and impartial trial is no longer open to question, upon an adequate showing this court has held that it has the power and inescapable duty whether under the all writs statute 28 USC s 1651 or under its inherient powers of appellate jurisdiction to effectuate what seems to,us to be manifest ends of justice'

i-In Padovant v Brachenusen 293 F 2d 546

The United States Appeals Court points Out;

" A plaintiff cannot be deprived of his rights without a trial, even if the trial promises to be long and burdensome"

Under the federal rules a Plaintiff pleads facts, not law, and the law is to be supplied by the court" Fed. Rules of Civil Procedure Rule 54 (c) 28 U.S.C.A.

m) * * FRIVOLOUS THIS APPELLANT'S PLEADINGS ARE NOT

In Treat v State ex rel Mitton, 121 Fla 309 So 883

The Court Holds:

"A" Frivolous appeal is one presenting no justiable questions and so readily recognizable as devoid of merit on face of record that there is little prospect that it can ever succeed".

In Erwin v Lowery, 64 N.C. 321
In Strong v Sproul 38 N.Y. 499
In Gray v Gidiere 4 Strob S.C. 442
In re Beam N.J. L. 779 121 A 713 714

The Court Holds:

" Any pleading is called " frivolous" when is clearly insufficient on its face and does not controvert the material points of the opposite pleading and is presumably interposed for mere purpose of delay or to embarrass the apponent"

There is by no stretch of the imagination any part of Appellant's pleadings that is insufficient in substance. All of Appellants pleadings are well grounded in law and well grounded in fact.

THE WHEEL WITHIN A WHEEL CENTRAL-FIGURE

a) Central Figure Schlesinger's own say-so does not constitute " Due Process of

Law" appropriate to the Circumstances.

b) Central-Figure Schlesinger's has record ed, in written form no evidence and reason relied upon for he, Schlesinger, as decisionmaker to rely upon.

c) Central-Figure " Mail Order" Hodges has not abided by due process requirements set forth in Federal Rules of Criminal Procedure Rule 42(a) or Rule 42(b), also this Victim of this Federal conspiracy is entitled to a trial by jury, .

d) The reason for appropraiteness of sanctions is based soley on the meanness and madness of Schlesinger's own Say-so

e) If the District Court has recorded in written form any evidence and any reason for sanctions amounting to ONE HUNDRED THIRTY TWO, THOUSAND THREE HUNDRED EIGHTY THREE AND 38/100th DOLLARS, ($132,383.38

other than the meanness and madness of the Wheel Within A Wheel Conspirators let it be shown on the Docket Sheet.

Otherwise, Pursuant to U.S.C.A. Const Amed. 5, their decisions are void. Any affirmance of a void decision is still VOID, especially, with no evidence and no reason recorded in written form, upon which the decisionmaker's opinion is based. SEE: Morrisey v Brewer 92 S.Ct.@ 2605

SEE ALSO:

JONES V BALES: 38 F.R.D. 453 463 (N.D. 1972) aff'd 480 F 2d 805; (5th Cir 1973)

The Fifth Circuit holds:

" Pro se litigants are not subject to the usual incentives against filing repetitive frivolous or malicious lawsuits They are immune from imposition of costs if they are un-successful and because of their poverty they are practically immune from later tort actions for 'malicious' prosecution or abuse of process"

SUPREM COURT OF THE UNITED STATES
WASHINGTON, D.C.

JOHN G. BARROW Petitioner

VS. CASE NO.

Respondant

****

MOTION FOR LEAVE TO FILE A PETITION FOR WRIT OF CERTIORARI BY A PERSON APPEARING pro se

##########

Comes now, Plaintiff-Appellant-Petitioner John Barrow, requesting leave to file this Petition for Writ of Certiorari as a person appearing pro se.

This Petitioner has tried for years to obtain Counsel, in Georgia, New Jersey, New York Philadelphia, Utah and Texas.

On one occasion Petitioner was told by Race Horse Haines of National Reputation in Dallas Texas that it would cost $5,000.00 for Attorney Haines to look into such an arrangement The Money Order was mailed to Mr Haines, who in a few weeks returned the money order for $5,000.00 expressing his regrets. But no

thanks. You see, the problem is that the News Media has smutted and smeared this Plaintiff-Appellant-Petitioner without mercy world wide for acts not committed by this Petitioner, however all attorneys who express a reason, state that their " Public Relations' will not stand Petitioners adverse publicity. This pro se person should have constitutional rights the same as other persons.

Respectfully Submitted

I HEREBY certify this 10th day of August 1989 that I did furnish a true copy of the above to all Cousel of record.

JOHN G BARROW JR
A Layman without legal education
Rt 1 Box 470
Callahan, Fl 32011
904-845-2475

AFFIDAVIT OF SERVICE OF A PETITION
FOR A WRIT OF CERTIORARI

STATE OF FLORIDA
COUNTY OF NASSAU

Before me, this day personnaly appeared JOH G BARROW JR, who being duly sworn, deposes and says, that I did deliver by United Parcel Service a true copy of this Petition for Certiorari, with First class charges thereon, addressed to all Counsel of Record, this 10th August 1989

JOHN G. BARROW JR
A Layman without legal education
Rt 1 Box 410
Callahan, Florida 32011
9040845-2475

Before me, personally appeared.JOHN G BARROW JR, to me well known and know to me to be the person described in and who executed the foregoing instrument and acknowledged to and before me, that he executed said instrument for the purposes therein expressed.
Witness my hand and official seal this 10th day of August A.D. 1989.

Notary Public
State of Florida